UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-22* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *20 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Detailed Action

1.   This office action is in response to an AMENDMENT entered February 23, 2009

for the patent application 09/868664 filed on June 20, 2001

2.   All previous Office Actions are fully incorporated into this Non-Final Office Action

by reference.

3.   Examiner's Comment: Although, the terms 'carrier wave' or 'carrier signal' is not

specifically mentioned within the specification, the Examiner will exclude these

interpretations wherein the context of 'memory' is disclosed.

Status of Claims

4.   Claims 1-22 are pending.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the
> manner and process of making and using it, in such full, clear, concise, and exact
> terms as to enable any person skilled in the art to which it pertains, or with which
> it is most nearly connected, to make and use the same and shall set forth the
> best mode contemplated by the inventor of carrying out his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The independent claims recite, 'firing the at least one profile when an incorrect answer is provided by the student.' This is not supported by the specification. Page 18 of the specification recites 'Some of the profiles fire as they identify the mistakes and correct answers the students has given.' This is not equivalent to the claim language. The claim language states a firing of a profile when an incorrect answer is given. The specification states that 'some' of the profiles fire. When these profiles do 'fire' it is based on when both mistakes and correct answers are given by the student. The specification does not support the claims.

These claims need to be amended or withdrawn from consideration. The Examiner feels a further explanation concerning this in connection with the last phone interview and cited portions of the specification would clarify the record.

Claim Rejections - 35 USC § 101

Claims 19-21 rejected under 35 U.S.C. 101 because they describe software which is non-statutory under 35 U.S.C. §101. 'A computer readable medium for creating a tutorial presentation and having computer executable instructions to perform steps'

and 'The computer readable medium of claim 19, containing further computer

executable instructions for' are describing software only.

These claims need to be amended or withdrawn from consideration

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1-3, 5, 7, 10-12, 14, 16, 19-2 are rejected under 35 U.S.C. 103(a) as

being unpatentable over the combination of Chiang (hereinafter referred to as **Chiang**),

in view of RationalInvestors. (WO 98/44443, referred to as **RationalInvestors**)

Claim 1

Chiang anticipates matching a profile against a simulation domain, wherein the

profile comprises a set of criteria and identifies a desired aspect for a current simulation

task (**Chiang,** C5:8-35; 'Profile' of applicant is equivalent to 'tutorial system' of Chiang.

'Simulation domain' of applicant is equivalent to 'product' of Chiang. Therefore 'simulation

task' of applicant is the current 'product' which is being taught by the tutorial system.);

presenting information indicative of a goal (**Chiang,** C9:24 through C10:41; 'Presenting

information indicative of a goal' of applicant is equivalent to a 'lesson' of Chiang.):

integrating information that motivates accomplishment of the goal (**Chiang,** C9:24

through C10:41; The integration of information of applicant is disclosed by the 'overview

of a first lesson' of Chiang.); monitoring progress toward the goal determining at least

one profile that is true, for the current simulation task from a set of profiles, and

providing feedback to a student, based on the at least one profile, (**Chiang,** C3:9-19;

'Monitoring' of applicant is equivalent to 'monitor' of Chiang. 'Providing feedback' of

applicant is equivalent to 'provide input assistance' of Chiang.), the at least one profile

comprises at least one collective characteristic the at least one collective characteristic

being a conditional using a plurality of characteristics as operands (**Chiang,** C5:8-35,

C7:17-39, C9:24 through C10:41, C3:21-45; 'Profile' of applicant is equivalent to 'tutorial

system' of Chiang. The 'tutorial system' is composed of tutorial information. The tutorial

information is presented by a series of lesson panels. Each lesson panel can be seen as a

characteristic. Then the series of lesson panels can be seen as the 'collective characteristic'

of applicant.)

Chiang does not teach at a particular instance of time, each characteristic

identifying a subset of the simulation domain at least one of the plurality of

characteristics being time dependent.

RationalInvestors teaches at a particular instance of time, each characteristic

identifying a subset of the simulation domain at least one of the plurality of

characteristics being time dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is an educational systems that can be used for multiple domains. Pages 35-36 illustrate a domain connected with investing in US Stocks. Training how to buy and sell stocks has the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the period 'y' are both elements connected with time.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang by incorporating time as an input element as taught by RationalInvestors to have at a particular instance of time, each characteristic identifying a subset of the simulation domain at least one of the plurality of characteristics being time dependent.

For the purpose of having an educational system which can implemented in real world training models.

Chiang anticipates displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes (**Chiang,** C9:24 through C10:41; 'Displaying details' of applicant is accomplished by the 'tutorial window' and the 'product window' of Chiang.) and further comprises: firing the at least one profile when an incorrect answer is provided by the student (**Chiang,** C1:44-61; Firing at least one profile when a mistake is made of applicant is disclosed as 'In addition, online tutorials typically include the capability of monitoring student actions and advising when a mistake has been made. Moreover, if the user requires assistance, a preprogrammed demonstration can be requested to perform the correct action(s) to be taken' of Chiang.); and triggering a topic in a concept tree when the at least one profile fires, wherein the concept tree contains

a plurality of concepts associated with the current simulation task (**Chiang,** C3:21-45, C5:36-57; Chiang discloses 'lesson panels' which are linked 'hierarchically to step panels.' This hierarchical structure of Chiang is equivalent to a 'tree' structure of applicant. Chiang also discloses that the concept panels are linked to the lesson panels in a 'parallel relationship.' Thus the concept panels of Chiang are linked in a hierarchical structure which is equivalent to a 'concept tree' of applicant. Therefore 'triggering a topic in a concept tree' of applicant is illustrated by 'demonstration assistance or 'show me' of Chiang.), wherein the tutorial presentation provides a cognitive educational experience. (**Chiang,** abstract; 'Cognitive educational experience' of applicant is equivalent to 'interactive online tutorial system' of Chiang.)

Claims 2, 11.

Chiang anticipates instantiating a particular feedback model based on characteristics of the student. (**Chiang,** C3:20-44; 'Instantiating a particular feedback' of applicant is illustrated by 'each panel sequentially lists and describes one or more user input actions' of Chiang.)

Claims 3, 12.

Chiang anticipates receiving and analyzing user responses using rule based expert training system to determine details of the computer-implemented method to

display. (**Chiang,** C7:17-39; 'Expert system' of applicant is equivalent to 'expert system'

of Chiang.)

Claims 5, 14.

Chiang anticipates displaying source code of the tutorial presentation as the tutorial

presentation executes. (**Chiang,** C9:24 through C10:41; 'Displaying source code' of applicant

is the output which is displayed on both the 'tutorial window' and the 'product window' of

Chiang.)

Claims 7, 16.

Chiang anticipates capturing portions of the tutorial presentation in response to a user

input as the tutorial presentation executes. (**Chiang,** abstract; 'Capturing portions' of applicant

is equivalent to 'input system' of Chiang.)

Claim 10

Chiang anticipates a processor that runs a computer program to create the tutorial

presentation, the computer program comprising of logic (**Chiang,** abstract; 'Processor' of

applicant is equivalent to 'CPU' of Chiang.); a memory that stores information under control of

the processor(**Chiang,** abstract; 'Memory' of applicant is equivalent to 'data storage device'

of Chiang.) matching a profile against a simulation domain, wherein the profile

comprises a set of criteria and identifies a desired aspect for a current simulation task

(**Chiang,** C5:8-35, C7:17-39, C9:24 through C10:41; 'Profile' of applicant is equivalent to

'tutorial system' of Chiang. 'Simulation domain' of applicant is equivalent to 'product' of

Chiang. Therefore 'simulation task' of applicant is the current 'product' which is being taught

by the tutorial system. 'Set of criteria' of applicant is equivalent to 'tutorial window' and

'product window' of Chiang.); presenting information indicative of a goal (**Chiang,** C9:24

through C10:41; 'Presenting information indicative of a goal' of applicant is equivalent to

a 'lesson' of Chiang.): integrating information that motivates accomplishment of the goal

(**Chiang,** C9:24 through C10:41; The integration of information of applicant is disclosed

by the 'overview of a first lesson' of Chiang.); logic monitoring progress toward the goal

determining at least one profile that is true, for the current simulation task from a set of

profiles, and providing feedback to a student, based on the at least one profile (**Chiang,**

C3:9-19, C5:8-35, C7:17-39, C9:24 through C10:41, C3:21-45; 'Profile' of applicant is

equivalent to 'tutorial system' of Chiang. 'Monitoring' of applicant is equivalent to 'monitor'

of Chiang. 'Providing feedback' of applicant is equivalent to 'provide input assistance' of

Chiang.), comprising at least one collective characteristics the at least one collective

characteristic being a conditional using a plurality of characteristics as operands at a

particular instance of time, each characteristic identifying a subset of the simulation

domain the at least one profile conjunctively using a plurality of characteristics, each

characteristic identifying a subset of the simulation domain (**Chiang,** C5:8-35, C7:17-39,

C9:24 through C10:41, C3:21-45; The 'tutorial system' is composed of tutorial information.

The tutorial information is presented by a series of lesson panels. Each lesson panel can be

seen as a characteristic. Then the series of lesson panels can be seen as the 'collective

characteristic' of applicant. 'Subset of the simulation domain' of applicant is disclosed by the

'linked hierarchically to step panels' of Chiang. 'Conjunctively using a plurality of

characteristics' of applicant is disclosed by 'the lesson panels are linked sequentially to

other panels' of Chiang.)

Chiang does not teach at least one of the plurality of characteristics being time

dependent.

RationalInvestors teaches at least one of the plurality of characteristics being

time dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is a educational

systems that can be used for multiple domains. Pages 35-36 illustrate a domain

connected with investing in US Stocks. Training how to buy and sell stocks has the

element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the

period 'y' are both elements connected with time.) It would have been obvious to a

person having ordinary skill in the art at the time of applicant's invention to modify the

teachings of Chiang by incorporating time as an input element as taught by

RationalInvestors to have at least one of the plurality of characteristics being time

dependent.

For the purpose of having a educational system which can implemented in real

world training models.

Chiang anticipates logic that displays details of the computer-implemented

method and that displays the tutorial presentation as the tutorial presentation executes

(**Chiang,** C9:24 through C10:41; 'Displaying details' of applicant is accomplished by the

'tutorial window' and the 'product window' of Chiang.) and further comprises: firing the at least

one profile when an incorrect answer is provided by the student (**Chiang,** C1:44-61; Firing at

least one profile when a mistake is made of applicant is disclosed as 'In addition, online

tutorials typically include the capability of monitoring student actions and advising when

a mistake has been made. Moreover, if the user requires assistance, a preprogrammed

demonstration can be requested to perform the correct action(s) to be taken' of

Chiang.); and triggering a topic in a concept tree when the at least one profile fires, wherein

the concept tree contains a plurality of concepts associated with the current simulation task

(**Chiang,** C3:21-45, C5:36-57; Chiang discloses 'lesson panels' which are linked

'hierarchically to step panels.' This hierarchical structure of Chiang is equivalent to a 'tree'

structure of applicant. Chiang also discloses that the concept panels are linked to the lesson

panels in a 'parallel relationship.' Thus the concept panels of Chiang are linked in a

hierarchical structure which is equivalent to a 'concept tree' of applicant. Therefore 'triggering

a topic in a concept tree' of applicant is illustrated by 'demonstration assistance or 'show me'

of Chiang.), wherein the tutorial presentation provides a cognitive educational

experience. (**Chiang,** abstract; 'Cognitive educational experience' of applicant is

equivalent to 'interactive online tutorial system' of Chiang.)

Claim 19

Chiang anticipates matching a profile against a simulation domain, wherein the

profile comprises a set of criteria and identifies a desired aspect for a current simulation

task (**Chiang,** C5:8-35, C7:17-39, C9:24 through C10:41; 'Profile' of applicant is equivalent to

'tutorial system' of Chiang. 'Simulation domain' of applicant is equivalent to 'product' of

Chiang. Therefore 'simulation task' of applicant is the current 'product' which is being taught

by the tutorial system. 'Set of criteria' of applicant is equivalent to 'tutorial window' and

'product window' of Chiang.); presenting information indicative of a goal (**Chiang,** C9:24

through C10:41; 'Presenting information indicative of a goal' of applicant is equivalent to

a 'lesson' of Chiang.): integrating information that motivates accomplishment of the goal

(**Chiang,** C9:24 through C10:41; The integration of information of applicant is disclosed

by the 'overview of a first lesson' of Chiang.); monitoring progress toward the goal

determining at least one profile that is true, for the current simulation task from a set of

profiles, and providing feedback to a student, based on the at least one profile,

comprising at least one collective characteristic, the at least one collective characteristic

being a conditional using a plurality of characteristics as operands at a particular

instance of time, each characteristic identifying a subset of the simulation domain the at

least one profile conjunctively using a plurality of characteristics, each characteristic

identifying a subset of the simulation domain. (**Chiang,** C5:8-35, C7:17-39, C9:24 through

C10:41, C3:9-45; 'Monitoring' of applicant is equivalent to 'monitor' of Chiang. 'Providing

feedback' of applicant is equivalent to 'provide input assistance' of Chiang. 'Profile' of

applicant is equivalent to 'tutorial system' of Chiang. The 'tutorial system' is composed of

tutorial information. The tutorial information is presented by a series of lesson panels. Each

lesson panel can be seen as a characteristic. Then the series of lesson panels can be seen

as the 'collective characteristic' of applicant. 'Subset of the simulation domain' of applicant is

disclosed by the 'linked hierarchically to step panels' of Chiang. 'Conjunctively using a

plurality of characteristics' of applicant is disclosed by 'the lesson panels are linked sequentially to other panels' of Chiang.)

Chiang does not teach at least one of the plurality of characteristics being time-dependent.

RationalInvestors teaches at least one of the plurality of characteristics being time-dependent. (**RationalInvestors,** p35-36; 'Rational Investor' is a educational systems that can be used for multiple domains. Pages 35-36 illustrate a domain connected with investing in US Stocks. Training how to buy and sell stocks has the element of 'time' linked to it. Pages 35 and 36 disclose buying at time 'x' and holding the period 'y' are both elements connected with time.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang by incorporating time as an input element as taught by RationalInvestors to have at least one of the plurality of characteristics being time dependent.

For the purpose of having a educational system which can implemented in real world training models.

Chiang teaches displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes, (**Chiang,** C9:24 through C10:41; 'Displaying details' of applicant is accomplished by the 'tutorial window' and the 'product window' of Chiang.) and further comprises: firing the at least one profile when an incorrect answer is provided by the student (**Chiang,** C1:44-61; Firing at least one profile when a mistake is made of applicant is disclosed as 'In addition, online tutorials typically

include the capability of monitoring student actions and advising when a mistake has

been made. Moreover, if the user requires assistance, a preprogrammed demonstration

can be requested to perform the correct action(s) to be taken' of Chiang.); and triggering

a topic in a concept tree when the at least one profile fires, wherein the concept tree contains

a plurality of concepts associated with the current simulation task (**Chiang,** C3:21-45, C5:36-

57; Chiang discloses 'lesson panels' which are linked 'hierarchically to step panels.' This

hierarchical structure of Chiang is equivalent to a 'tree' structure of applicant. Chiang also

discloses that the concept panels are linked to the lesson panels in a 'parallel relationship.'

Thus the concept panels of Chiang are linked in a hierarchical structure which is equivalent to

a 'concept tree' of applicant. Therefore 'triggering a topic in a concept tree' of applicant is

illustrated by 'demonstration assistance or 'show me' of Chiang.), wherein the tutorial

presentation provides a cognitive educational experience. (**Chiang,** abstract; 'Cognitive

educational experience' of applicant is equivalent to 'interactive online tutorial system' of

Chiang.)

Claim 20.

Chiang anticipates (d) (i) identifying a subset of the simulation domain from at

least one characteristic of the profile; and (**Chiang,** C9:24 through C10:41; 'Plurality of

characteristics' of applicant is equivalent to 'steps' of Chiang. 'Each characteristic identifying a

subset' of applicant is equivalent to ''steps are like subtasks' of Chiang. Therefore 'subset' of

applicant is equivalent to 'subtasks' of Chiang. Therefore a single characteristic of applicant is

equivalent to 'subtask' of Chiang.) (d)(ii) determining the feedback in accordance with the

subset of the simulation domain. (**Chiang,** C3:9-19; 'Determining the feedback' of

applicant is equivalent to 'provide input assistance' of Chiang.)

Claim 21

Chiang anticipates creating another profile that reuses at least one of the

pluralities of characteristics (**Chiang,** C3:66 through C4:10; 'Creating another profile

that reuses at least one of the pluralities of characteristics' of applicant is illustrated by

the 'lesson control file is structured hierarchically.' If a student wants (creates) another

profile that is higher in the hierarchically structure, all of the smaller characteristics

would be incorporated into that profile; and providing subsequent feedback to the

student, based on the other profile. (**Chiang,** C3:9-19; 'Providing subsequent feedback'

of applicant is equivalent to 'provide input assistance' of Chiang.)

Claim 22

Chiang anticipates activating topics based on the at least one profile (**Chiang,**

C1:44-61; 'Activating topics based on the at least one profile' of applicant is disclosed as

'In addition, online tutorials typically include the capability of monitoring student actions

and advising when a mistake has been made. Moreover, if the user requires assistance,

a preprogrammed demonstration can be requested to perform the correct action(s) to

be taken' of Chiang. Per the specification (p9) a profile is a question.); determining a

best set of topics to deliver from the concept tree, wherein the best set of topics is a

proper subset of the activated topics (**Chiang,** C18:32 through C20:14; 'Determining a

best set of topics to deliver' of applicant is disclosed by 'the tutorial show me module

determines the lesson' of Chiang.); and invoking the best set of topics in the tutorial

presentation. (**Chiang,** C3:21-45, C5:36-57; 'Invoking the best set of topics' of applicant is

illustrated by 'demonstration assistance or 'show me' of Chiang.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 4, 6, 8, 9, 13, 15, 17, 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over the combination of Chiang and RationalInvestors as set forth above,

in view of Goleh. (U. S. Patent 5372507, referred to as **Goleh**)

Claims 4, 13.

Chiang and RationalInvestors do not teach browsing details of an object as the tutorial presentation executes.

Goleh teaches browsing details of an object as the tutorial presentation executes. (**Goleh,** C3:24-45; 'Browsing details' of applicant is equivalent to 'menu based system' of Goleh.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang and RationalInvestors by presenting an outline of the tutorial as taught by Goleh to have browsing details of an object as the tutorial presentation executes.

For the purpose of disclosing to the user an outline of the lesson to aid in understanding the concept of the lesson.

Claims 6, 15.

Chiang and RationalInvestors do not teach modifying the tutorial presentation based on a user input as the tutorial presentation executes.

Goleh teaches modifying the tutorial presentation based on a user input as the tutorial presentation executes. (**Goleh,** C3:24-45; 'Modifying the tutorial presentation' of applicant is equivalent to 'As the student progresses through the tutorial, information that is necessary to the student's successful completion of the task at hand may be presented in the appropriate context most conductive to the student's best learning of the immediate subject' of Goleh. By being able to evaluate the task at hand, and providing information at hand indicates the ability to modify the tutorial presentation.) It would have been obvious to a person having ordinary skill in the art at the time of

applicant's invention to modify the teachings of Chiang and RationalInvestors by

disclosing lessons which are indicated as taught by Goleh to have the tutorial

presentation based on a user input as the tutorial presentation executes.

For the purpose of limiting the tutorial only to the topic thus having increased

efficiency.

Claims 8, 17.

Chiang and RationalInvestors do not teach tailoring feedback based on a user input

Is the tutorial presentation executes.

Goleh teaches tailoring feedback based on a user input Is the tutorial presentation

executes. (**Goleh,** C3:24-45, C5:31-54; Goleh discloses the ability to anticipate. Goleh

discloses responses to input and evaluation. 'Tailoring feedback' of applicant is

disclosed by 'Upon detection, the student is informed of the error through the monitor

and appropriate help is given by the tutorial to the student.' Therefore, 'feedback' of

applicant is equivalent to 'help of Goleh.) It would have been obvious to a person

having ordinary skill in the art at the time of applicant's invention to modify the teachings

of Chiang and RationalInvestors by providing feedback to only what is taught as taught

by Goleh to have tailored feedback based on a user input Is the tutorial presentation

executes.

For the purpose of limiting the feedback only to the topic thus having increased

efficiency.

Claims 9, 18.

Chiang and RationalInvestors do not teach presenting a tailored simulation based on user input as the tutorial presentation executes.

Goleh teaches presenting a tailored simulation based on user input as the tutorial presentation executes. (**Goleh,** C5:15-30; 'Presenting a tailored simulation' of applicant is illustrated by 'possible menu selections may be presented to the student through the monitor to which the student may respond by supplying input through the keyboard to interactively control the operation of the tutorial' of Goleh.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Chiang and RationalInvestors by displaying only what is requested as taught by Goleh to presenting a tailored simulation based on user input as the tutorial presentation executes.

For the purpose of limiting the presentation only to the topic thus having increased efficiency.

Response to Arguments

6.   Applicant's arguments filed on February 9, 2009 for claims 1-22 have been fully considered but are not persuasive.

7.   In reference to the Applicant's argument:

<u>REMARKS</u>

Claims 1-22 are pending with this paper. Claims 1-21 stand rejected by this Office
Action. Applicant is amending claims 1, 10, and 19. Applicant requests reconsideration
of claims 1-21 for the reasons as will be discussed. Applicant is also adding claim 22,
which is supported by the specification as originally filed, e.g., page 18, lines 6-26.

Applicant acknowledges the withdrawal of the rejections of claims 7 and 16 under 35
U.S.C. § 112, first paragraph.

<u>Claim Rejections - 35 U.S.C. §102</u>

Claims 1-3, 5, 7, 10-12, 14, 16, and 19-21 are rejected under 35 U.S.C. 103(a) as
allegedly being unpatetnable over the combination of anticipated by U.S. Patent No.
5,535,422 (Chiang) and International Patent Publication WO 98/44443
(RationalInvestors).

Regarding claim 1, Applicant is amending the claim to include the feature of "displaying
details of the computer-implemented method and displaying the tutorial presentation as
the tutorial presentation executes <u>and further comprises: firing the at least one profile</u>
<u>when an incorrect answer is provided by the student; and triggering a topic in a concept</u>
<u>tree when the at least one profile fires, wherein the concept tree contains a plurality of</u>
<u>concepts associated with the current simulation task and, </u>wherein the tutorial
presentation provides a cognitive educational experience." The amendment is
supported by the specification as originally filed, e.g., page 16, lines 30-40 and page 18,
lines 6-26.

Chiang and RationalInvestors, either individually or in combination, fail to teach the
above feature. Chiang merely teaches an optional monitoring function in which users
are expected to perform every action in the order that the lesson specifies and prevents
users from deviating from this path. (Column 15, lines 22-39.) Also, Chiang teaches
determining whether a user input message matches to what is expected and merely
generates an error message and discards the user input if a mismatch occurs. (Column
17, line 50-column 18, line 48.) Consequently, Chiang discusses a tutorial system
without providing flexibility for presenting different topics. Moreover, RationalInvestors
fails to remedy the deficiencies of Chiang.

Independent claim 10 includes the similar feature of "logic that displays details of the
computer program and that displays the tutorial presentation as the tutorial presentation

executes <u>and further comprises: firing the at least one profile when an incorrect answer</u> <u>is provided by the student: and triggering a topic in a concept tree when the at least one</u> <u>profile fires, wherein the concept tree contains a plurality of concepts associated with</u> <u>the current simulation task and,</u> wherein the tutorial presentation provides a cognitive educational experience." Also, independent claim 19 includes the feature of "displaying details of the computer-implemented method and displaying the tutorial presentation as the tutorial presentation executes <u>and further comprises: firing the at least one profile</u> <u>when an incorrect answer is provided by the student: and triggering a topic in a concept</u> <u>tree when the at least one profile fires, wherein the concept tree contains a plurality of</u> <u>concepts associated with the current simulation task and,</u> wherein the tutorial presentation provides a cognitive educational experience." Moreover, claims 2-3, 5, 7, 11-12, 14, 16, and 20-21 ultimately depend from claims 1, 10, and 19. Applicant requests reconsideration of claims 1-3, 5, 7, 10-12, 14, 16, and 19-21.

Examiner's response:

The Examiner disagrees with the applicant's arguments and views Chiang

teaches the amendments. Firing at least one profile when a mistake is made of applicant is

disclosed as 'In addition, online tutorials typically include the capability of monitoring

student actions and advising when a mistake has been made. Moreover, if the user

requires assistance, a preprogrammed demonstration can be requested to perform the

correct action(s) to be taken' of Chiang. . **Chiang,** C1:44-61) Chiang discloses 'lesson

panels' which are linked 'hierarchically to step panels.' This hierarchical structure of Chiang is

equivalent to a 'tree' structure of applicant. Chiang also discloses that the concept panels are

linked to the lesson panels in a 'parallel relationship.' Thus the concept panels of Chiang are

linked in a hierarchical structure which is equivalent to a 'concept tree' of applicant. Therefore

'triggering a topic in a concept tree' of applicant is illustrated by 'demonstration assistance or

'show me' of Chiang. (**Chiang,** C3:21-45, C5:36-57) 'Cognitive educational experience' of

applicant is equivalent to 'interactive online tutorial system' of Chiang. (**Chiang,**

abstract)

8.   In reference to the Applicant's argument:

Claim Rejections - 35 U.S.C. §103

Claims 4, 6, 8, 9, 13, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the combination of Chiang and RationalInvestors in view of U.S. Patent No. 5,372,507 (Goleh).

Claims 4, 6, 8, 9, 13, 15, 17, and 18 ultimately depend from independent claims 1 and 10. Moreover, the deficiencies of Chiang an RationalInvestors are not remedied by Goleh, and thus
claims 4, 6, 8, 9, 13, 15, 17, and 18 are patentable for at least the above reasons. Applicant requests reconsideration of claims 4, 6, 8, 9, 13, 15, 17, and 18.

Examiner's response:

        The Examiner views the reference Chiang maps to the amended independent

claims. Therefore the reference Goleh is a sound argument due to there is no change

within these claims.

Examination Considerations

9.   The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light

of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023,

1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in

the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ

541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The

Examiner has the full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the

art. Such an approach is broad in concept and can be either explicit or implicit in

meaning.

10.   Examiner's Notes are provided to assist the applicant to better understand the

nature of the prior art, application of such prior art and, as appropriate, to further

indicate other prior art that maybe applied in other office actions. Such comments are

entirely consistent with the intent and sprit of compact prosecution. However, and

unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that

one of ordinary skill in the art would find inherently appropriate.

11.   Examiner's Opinion: Paragraphs 9 and 10 apply. The Examiner has full latitude

to interpret each claim in the broadest reasonable sense.

Conclusion

12.   The prior art of record and not relied upon is considered pertinent to the

applicant's disclosure.

-U. S. Patent 5774118: Hatakama

-U. S. Patent 5823781: Hitchcock

-U. S. Patent 5870768: Hekmatpour

-U. S. Patent 5877757: Baldwin

13.   Claims 1-22 are rejected.

Correspondence Information

14.   Any inquiry concerning this information or related to the subject disclosure should

be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-

5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45

p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor David Vincent can be reached at (571) 272-3080. Any response to this

office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

Receptionist,

Customer Service Window,

Randolph Building,

401 Dulany Street,

Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 272-3150 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the

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unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions

on access to Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll free).

/P. C./

Examiner, Art Unit 2129

3/17/2009

/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129